

PUBLIC SAFETY DEPARTMENT[661]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 690.1, the Department of Public Safety hereby amends Chapter 11, "Identification Section of the Division of Criminal Investigation," Iowa Administrative Code.

Iowa Code chapter 690 requires that each local law enforcement agency in the state take fingerprints of any unidentified dead bodies and of any persons taken into custody for a serious misdemeanor or greater offense. Both the statutory language and the rules require the submission of those fingerprints to the Department within two working days.

Rapid submission of fingerprints, while desirable, is not always practicable, particularly for local agencies affected by emergency conditions. This amendment addresses this concern by defining the term "working day," which currently is not defined in the Iowa Code or in the Department's administrative rules. The definition clarifies that no day is counted toward the "two working days" deadline if it is a Saturday, Sunday, state holiday, federal holiday during which the administrative office of the submitting agency is closed, or day during which that office is closed because of emergency conditions.

Pursuant to Iowa Code section 17A.4(2), the Department finds that notice and public participation prior to the adoption of this amendment are impracticable, as it is desirable that the requirement for the submission of fingerprints within two working days be clarified as soon as possible.

Pursuant to Iowa Code section 17A.5(2)"b"(2), the Department further finds that the normal effective date of this amendment, 35 days after publication, should be waived and the amendment be made effective July 1, 2008, after filing with the Administrative Rules Coordinator. This amendment confers a benefit upon the public by immediately clarifying requirements for timely submission of fingerprints by local law enforcement agencies to the Department, so that both the Department and local agencies may ensure compliance with the law.

This amendment is also being proposed in a Notice of Intended Action in order to allow for public comment. The Notice is published herein as **ARC 7000B**.

This amendment became effective July 1, 2008.

This amendment is intended to implement Iowa Code section 690.2.

The following amendment is adopted.

Adopt the following new in rule **661—11.2(17A,690,692)**:

"*Working day*" means any day except any of the following:

1. Saturday.
2. Sunday.
3. State holiday.
4. Federal holiday during which the administrative office of the submitting agency is closed.
5. Any day during which the administrative office of the agency is closed or relocated due to weather or road conditions or any condition related to a disaster emergency proclamation issued by the governor pursuant to Iowa Code section 29C.6.

[Filed Emergency 6/30/08, effective 7/1/08]

[Published 7/30/08]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/30/08.